

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DEFENDANTS' MOTION TO COMPEL DISCOVERY RESPONSES

Defendants, by and through their undersigned counsel and pursuant to Rule 37 of the Federal Rules of Civil Procedure, hereby move for the entry of an Order compelling Plaintiff Ronald S. Riley to produce Rule 26 Initial Disclosures and to respond fully and completely to document requests and interrogatories propounded by Defendants. The grounds for this motion are as follows:

1. On June 28, 2007 the Court issued the Scheduling Order for this matter (D.I. 27) (copy attached hereto as Exhibit A) stating that Rule 26 Disclosures were due within five days of the date of the Order, on July 5, 2007.

2. On June 28, 2007, Defendants served on Plaintiff their Rule 26 Disclosures. (D.I. 30) (copy attached hereto as Exhibit B).

3. On June 28, 2007, Defendants served on Plaintiff a set of document requests (D.I. 28) (copy attached hereto as Exhibit C) and a set of interrogatories (D.I. 29) (copy attached hereto as Exhibit D).

4. Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, Plaintiff's discovery responses were due on July 31, 2007. Plaintiff's Counsel has not contacted undersigned counsel regarding these responses, nor requested an extension.

5. On August 1, 2007, Defendants' Counsel sent letter to Plaintiff's Counsel notifying him of his failure to file Rule 26 Disclosures or responses to Defendants' Discovery requests. (copy attached hereto as Exhibit E). Defendants' Counsel notified Plaintiffs' Counsel that if a response was not received by August 10, 2007, she would be forced to file This Motion to Compel.

6. Plaintiff's Counsel has not responded Defendants' August 1, 2007 letter. WHEREFORE, Plaintiffs respectfully request that the Court enter an Order in the form attached hereto.

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/s/ Adria B. Martinelli

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